

## APPROVED MINUTES

### KITTERY TOWN COUNCIL

January 12, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier and Ken Lemont.

5. Agenda Amendment and Adoption –

Chairperson Thomson asked that Item 13G be discussed under Item 9. Councilor Lemont asked to add Item 13I to accept the resignation from Vern Gardner from the Board of Appeals and Comprehensive Plan Committee.

6. Town Manager's Report –

Town Manager Puff indicated that she has been in touch with Senator Hill's office relative to submittal of bills.

Town Manager Puff noted that on January 6<sup>th</sup>, they had opened the bids for the sewer expansion project and had received three bids back. She continued that even the lowest bid was over what they had projected and they were about \$300,000 off pace. Town Manager Puff stated they would be talking with the bidders to better understand their costs.

Town Manager Puff stated that she had officially offered the CEO position to Bob Marchi.

Town Manager Puff stated that she had notified Eliot that their dispatch services would be going up to \$80,000.

Town Manager Puff noted that MMA was going to be holding a customer service training at the KCC on January 29<sup>th</sup>. She continued that some offices may be closed that day as employees who interacted with the public would be attending the training.

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Town Manager Puff indicated that she had received 3 responses to their RFP for assessing services.

Town Manager Puff indicated that she had appointed Ann Grinnell and George Dow to the Appointment Review Committee, who would be holding their first meeting on January 20<sup>th</sup>.

Town Manager Puff stated that they had held the kickoff meeting for the master field plan that day. She continued they had scheduled public meetings in the Star Theater on February 10<sup>th</sup>, March 4<sup>th</sup>, and April 8<sup>th</sup>.

Town Manager Puff thanked Meredith Kearney-Clark for her 17 years of service to the town as the utility billing bookkeeper and assistant tax collector. She continued they were looking to fill her position.

Town Manager Puff stated that Sgt. Truax who had retired from the Police Department after 20 years. She continued they were also looking to fill his position.

Town Manager Puff noted that Councilor Denault had asked at the last meeting about the hiring and procurement process of projects throughout town. Town Manager Puff then explained the rules according to the Charter and Code and stated that she always kept the Town's best interest in mind when making decisions.

Town Manager Puff appointed Jessa Kellogg as the Shoreland Resource Officer.

Town Manager Puff noted on March 19<sup>th</sup> they were offering sensitivity training to boards and committees.

7. Acceptance of Previous Minutes –12/8/14, 12/22/14 & 1/5/15

The minutes of 12/8/14, 12/22/14 were accepted as amended. The minutes of 1/5/15 were accepted as presented.

8. Interviews for the Board of Appeals and Planning Board – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

g. (010215-7) The Kittery Town Council moves to discuss the dilapidated building and property at 40 Old Post Road, Map 8, Lot 25.

Councilor Denault indicated that this item had come from him because he did not think that Council was moving fast enough on the dilapidated and dangerous buildings in town. He continued that there were laws that would allow Council to take action and that Council needed to be more proactive.

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Attorney McEachern came to the podium and stated relative to the Old Post Road properties, that there were actually three parcels. He continued that 42 and 44 Old Post had been in litigation since 1985. Attorney McEachern indicated that the property at 40 Old Post was a building that he would deem to be dangerous. He continued that the best and most efficient way to proceed, would be to try to get the court orders to apply to that property as well. Councilor Denault asked what the time frame would be. Attorney McEachern stated that he would urge those involved to move forward as quickly as possible. Councilor Denault asked about the Sowerby property on Route 1. Attorney McEachern responded that matter was in Council's hands.

### 10. PUBLIC HEARINGS - None

### 11. Discussion

#### a. Discussion by members of the public –

Tess Holom Schneier came to the podium and stated relative to the Old Post Road properties, that she felt they were a safety and health hazard. She continued that the legal process did not seem to be succeeding and thought it was time for the town to take action and take down the building.

Roger Cole came to the podium and indicated relative to the Bowen Road issue, that the Conservation Commission had done some very good research but that he thought it should have been done by the Code office. He continued that in the future, he thought that requests for changes should have to go through different committees or departments to discuss the proposals and create a flow of communication.

Earldeen Wells, Chair of the Conservation Commission, came to the podium and stated that DEP set the minimum standards for setbacks but allows for towns to be more restrictive. She continued in this case the person did not get a permit from DEP or the town. Ms. Wells noted that the Commission was requesting a Notice of Violation be issued against the Clainoses.

Bill Greenier came to the podium and indicated that he was the person who originally spoke with DPW and that Mr. Clainos was only trying to create a safe environment by putting the stairs in.

Page Mead came to the podium and stated that the Open Space Committee had asked the state if they could construct wooden stairs at the bottom portion and they had said no.

George Dow came to the podium and stated relative to the Old Post Road properties that he thought it was time for Council to take action. He stated that maybe the Town could take a lien out against the property if they had to pay to take it down.

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Nick Clainos came to the podium and stated that he had spent weeks working with DEP in Augusta designing the steps. He continued it was his opinion that this issue was considered an exception and no permit was necessary.

Cynthia Clainos came to the podium and indicated that she had fallen at the parcel in question in July. She continued that they had thought that the improvements would make the parcel safer and that there were two abutters who did not want the public to be able to access the parcel. Ms. Clainos stated that she hoped that Council would vote in favor of the proposed plan.

Donnajean Ahigian came to the podium and stated that no citizen was allowed to make any changes to town owned pieces of land.

Megan Kline came to the podium and stated that she was a member of the Open Space Committee and noted that she thought that Council should refer the issue back to the Committee to make a decision.

- b. Response to public comment directed at a particular Councilor – None
- c. Chairperson's response to public comments –

Chairperson Thomson stated relative to the property on Old Post Road, that the situation was frustrating and needed a resolution. He noted that he was looking forward to hearing from Attorney MacEachern on the next step. Chairperson Thomson stated that the parking of the vehicles in front of the building needed to be addressed as that was town property and it was blocking people's ability to park by the pond.

Chairperson Thomson noted relative to the Bowen Road issue, that Council was going to try to address it that evening and appreciated hearing everyone's opinions.

### 12. UNFINISHED BUSINESS –

- a. (110314-1) The Kittery Town Council moves to discuss the installation of steps on the town's ROW on Bowen Road.

Councilor Dennett stated that he thought that all parties were wrong. He continued that only the CEO, Town Planner and Town Manager should have a decision in the matter. Councilor Dennett remarked that Council had no say in the matter and that the final decision would come from the CEO. Chairperson Thomson stated that the Manager had recommended the plan submitted on November 18<sup>th</sup> and authorized her to execute the agreement. Town Manager Puff noted that she had spoken to many people about the issue. She continued that she brought the issue in front of Council because she thought it was important to have a public discussion on the matter.

### 13. NEW BUSINESS

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- a. Donations/gifts received for Council disposition -

(010215-1) The Kittery Town Council moves to accept a donation from York Hospital in the amount of \$9,250 for scholarships and be deposited in account #5003-43600.

**COUNCILOR PELLETIER MOVED TO ACCEPT A DONATION FROM YORK HOSPITAL IN THE AMOUNT OF \$9,250 FOR SCHOLARSHIPS AND BE DEPOSITED IN ACCOUNT #5003-43600, SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

- b. (010215-2) The Kittery Town Council moves to approve a request from Traip Academy Project Graduation to hold a Hockey Shoot-off on Legion Pond on Sunday, February 15, 2015, from noon to 3:00 P.M., with a back-up date of Sunday, February 22<sup>nd</sup>.

**COUNCILOR PELLETIER MOVED TO RECOGNIZE THAT TRAIPI ACADEMY PROJECT GRADUATION WOULD BE HOLDING A HOCKEY SHOOT-OFF ON LEGION POND ON SUNDAY, FEBRUARY 15, 2015 FROM NOON TO 3:00 P.M. WITH A BACK UP DATE OF SUNDAY, FEBRUARY 22<sup>ND</sup>, SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

- c. (010215-3) The Kittery Town Council moves to approve the disbursement warrants.

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**NNETT MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

- d. (010215-4) The Kittery Town Council moves to approve a renewal application from Weathervane Seafoods, 31 Badger's Island West for a Malt, Spirituous and Vinous Liquor License for Weathervane Seafoods, 306 US Route 1.

**COUNCILOR PELLETIER MOVED TO APPROVE A RENEWAL APPLICATION FROM WEATHERVANE SEAFOODS, 31 BADGER'S ISLAND WEST FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WEATHERVANE SEAFOODS, 306 US ROUTE 1, SECONDED BY COUNCILOR WHITE.**

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**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

e. (010215-5) The Kittery Town Council moves to ratify and sign a three year labor contract from July 1, 2014 thru June 30, 2016 for the Public Works unit.

**COUNCILOR PELLETIER MOVED TO RATIFY AND SIGN A THREE YEAR LABOR CONTRACT FROM JULY 1, 2014 THRU JUNE 30, 2017 FOR THE PUBLIC WORKS UNIT, SECONDED BY COUNCILOR DENAULT.**

**A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 5/1.**

f. (010215-6) The Kittery Town Council moves to appoint Tom Emerson to the Economic Development Committee as a Voting Business member until 12/31/15 (replacing Ann Grinnell).

**COUNCILOR PELLETIER MOVED TO APPOINT TOM EMERSON TO THE ECONOMIC DEVELOPMENT COMMITTEE, WITHOUT THE BENEFIT OF AN INTERVIEW, AS A VOTING BUSINESS MEMBER UNTIL 12/31/15 (REPLACING ANN GRINNELL), SECONDED BY COUNCILOR DENAULT.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

h. (010215-8) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Bruce Crawford for his appointment until 8/31/19 (replacing Barry Bush).

**COUNCILOR DENNETT MOVED TO APPOINT CHAIRPERSON THOMSON TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW BRUCE CRAWFORD FOR HIS APPOINTMENT UNTIL 8/31/19 (REPLACING BARRY BUSH), SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

i. The Kittery Town Council moves to accept the resignation of Vern Gardner from the Board of Appeals and Comprehensive Plan Committee.

**COUNCILOR DENAULT MOVED TO ACCEPT THE RESIGNATION OF VERN GARDNER FROM THE BOARD OF APPEALS AND COMPREHENSIVE PLAN COMMITTEE, SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

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### 14. COUNCILOR ISSUE OR COMMENT

Councilor Lemont stated they had held a workshop with the Library Board of Trustees to discuss their future plans but did not think that a sub-committee had ever been put together. Town Manager Puff indicated that she would volunteer to be the middle man to come up with a plan to move forward.

Councilor White asked that if the DPW is requested to do anything in the future that they are not totally comfortable doing, that they contact another department to communicate that request and to create a record.

Councilor Denault stated relative to his questions about hiring and procurements, that he thought some of the ambiguity of the rules could create a conflict and it had nothing to do with the Town Manager awarding bids. He continued that maybe Council should review the procedures in the future.

Councilor Denault indicated that he had met with Seacoast Helicopters who had ensured him that they did not want to create any problems and presented their flight plan which was not going to go directly over Kittery.

### 15. COMMITTEE AND OTHER REPORTS

#### a. Communications from the Chairperson

Chairperson Thomson stated that there was going to be a lecture on the visual history of the early 1900's of Kittery at the Star Theater on January 14<sup>th</sup>.

Chairperson Thomson indicated they would be holding a workshop with the Town Manager and CIP Committee on 2/2 at 6 P.M.

Chairperson Thomson noted they would be holding a workshop relative to the information gathered at the Foreside forums at 2/2 at 7:15 P.M.

Chairperson Thomson noted that following Monday was a holiday and the Town Hall would be closed.

#### b. Committee Reports – None

### 16. EXECUTIVE SESSION – None

### 17. ADJOURNMENT

**COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:57 P.M.**

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